

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Vincent H. Bartning,

NO. C 05-01413 JW JW

Plaintiff,

**ORDER TO SHOW CAUSE
RE: DISMISSAL**

v.

United States Department of Education, et al.,

Defendants.

On August 24, 2005, the Court dismissed Plaintiff Vincent H. Bartning's complaint with leave to amend by September 19, 2005. Plaintiff has not filed an amended complaint with the Court. On September 26, 2005, the Court conducted a case management conference in this case. There was no appearance by Plaintiff or Plaintiff's counsel.

The Court hereby orders Plaintiff to appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on October 31, 2005 at 9:00 a.m. to show cause, if any, by actual appearance in Court, and by certification filed with the Court at least ten (10) days prior to appearance date, why said cause should not be dismissed for failure to attend September 26, 2005, case management conference. The certificate shall set forth in factual summary the reason no appearance was made and what steps the party is taking to pursue or defend the action, its present status and the expected future course of the cause.

If Plaintiff fails to file the certification, the October 31, 2005 hearing will be vacated automatically and the case will be dismissed for failure to prosecute.

Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss this

United States District Court
For the Northern District of California

1 action.

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3 Dated: September 26, 2005

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/s/ James Ware

JAMES WARE

United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

Vincent Henry Bartning
436 Los Encinos Avenue
San Jose, CA 95134-1337

Dated: September 26, 2005

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Ronald L. Davis
Courtroom Deputy